

Agenda

Item #6



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

To: Commissioners

From: Jonathan Wayne, Executive Director

Date: February 9, 2011

Re: Agenda Item #6: No Adjustment to \$350 and \$750 Contribution Limits

In a 2009 law, the Maine Legislature increased the contribution limits for candidates to \$350 per contributor (for county and legislative candidates) and \$750 per contributor (for gubernatorial candidates). (P.L. 2009, Chapter 286, attached) The \$350 limit also applies to municipal candidates in towns and cities with a population of more than 15,000.

In addition, the Legislature required the Commission to adjust the contribution limits every two years based on the rate of inflation, beginning on December 1, 2010. The Commission is directed to use the Consumer Price Index reported by the U.S. Bureau of Labor Statistics and to round the adjusted contribution limits to the nearest amount divisible by \$25.

The Commission's auditor has determined that no adjustment to the contribution limits should be made at this time, based on the low rate of inflation. (See attached memo.) So, the current limits of \$350 and \$750 will continue to be in effect for elections in 2011 and 2012. The Commission will next consider whether any adjustment is necessary in December 2012.

No action is required by you on this matter, but we decided to add it to the February 17 agenda so that there is a public record of the auditor's determination.

Thank you for your consideration of this issue.



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To: Jonathan Wayne, Executive Director

From: Vincent W. Dinan, Commission Auditor *WD*

Date: February 9, 2011

Subject: Adjustments to Contribution Limits Based on Consumer Price Index as
Mandated by PL 2009, Chapter 286

Public Law 2009, Chapter 286 requires that contribution limits for contributions to gubernatorial and other state and county candidates be adjusted based on changes in the Consumer Price Index starting in December, 2010. Adjustments to the contribution limits shall be rounded to the nearest amount divisible by \$25.

The rate of inflation per the Consumer Price Index for the two year period ending in December, 2010 was 1.64 percent. The adjusted value of the existing contribution limits would be raised to \$355.74 and \$762.30, respectively. However, as stipulated in the statute, the nearest amounts divisible by \$25 are the current limits of \$350 and 750; accordingly, no increase in contribution limits is required at this time.

The next adjustment will take place in December, 2012.

PLEASE NOTE: The Office of the Revisor of Statutes **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Public Law
124th Legislature
First Regular Session

Chapter 286
S.P. 445 - L.D. 1197

An Act To Improve the Maine Clean Election Act

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §1015, sub-§3, ¶B, as amended by PL 2005, c. 301, §3, is further amended to read:

B. The Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer may not intentionally solicit or accept a contribution from a lobbyist, lobbyist associate or employer during any period of time in which the Legislature is convened before final adjournment, except for a qualifying contribution as defined under Title 21-A, section 1122, subsection 7. A lobbyist, lobbyist associate or employer may not intentionally give, offer or promise a contribution, other than a qualifying contribution, to the Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer during any time in which the Legislature is convened before final adjournment. These prohibitions apply to ~~direct and indirect solicitation, acceptance, giving, offering and promising, whether through a political action committee, political committee, political party or otherwise~~ contributions directly and indirectly solicited or accepted by, or given, offered and promised to a political action committee, ballot question committee or party committee of which the Governor, a member of the Legislature, a constitutional officer or the staff or agent of these officials is a treasurer, officer or primary fundraiser or decision maker.

Sec. 2. 21-A MRSA §1015, sub-§1, as amended by PL 2007, c. 443, Pt. A, §10, is further amended to read:

1. Individuals. An individual may not make contributions to a candidate in support of the candidacy of one person aggregating more than \$500 \$750 in any election for a gubernatorial candidate or more than \$250 \$350 in any election for any other candidate. This limitation does not apply to contributions in support of a candidate by that candidate or that candidate's spouse or domestic partner. Beginning December 1, 2010, contribution limits in accordance with this subsection are adjusted every 2 years based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics and rounded to the nearest amount divisible by \$25. The commission shall post the current contribution limit and the amount of the next adjustment and the date that it will become effective on its publicly accessible website and include this information with any publication to be used as a guide for candidates.

Sec. 3. 21-A MRSA §1015, sub-§2, as amended by PL 2007, c. 443, Pt. A, §11, is further amended to read:

2. Committees; corporations; associations. A political committee, political action committee, other committee, firm, partnership, corporation, association or organization may not make contributions to a candidate in support of the candidacy of one person aggregating more than \$500 ~~\$750~~ in any election for a gubernatorial candidate or more than \$250 ~~\$350~~ in any election for any other candidate. * [Beginning December 1, 2010, contribution limits in accordance with this subsection are adjusted every 2 years based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics and rounded to the nearest amount divisible by \$25. The commission shall post the current contribution limit and the amount of the next adjustment and the date that it will become effective on its publicly accessible website and include this information with any publication to be used as a guide for candidates.

Sec. 4. 21-A MRSA §1122, sub-§7, ¶A, as amended by PL 2009, c. 190, Pt. B, §1, is further amended to read:

A. Of \$5 or more in the form of a check or a money order payable to the fund and signed by the contributor in support of a candidate or made over the Internet in support of a candidate according to the procedure established by the commission;

Sec. 5. 21-A MRSA §1122, sub-§8, ¶B, as amended by PL 2001, c. 465, §3, is further amended to read:

B. For State Senate or State House of Representatives participating candidates, the qualifying period begins January 1st of the election year and ends at 5:00 p.m. on April ~~15th~~ 20th of that election year ~~unless the candidate is unenrolled, in which case the period ends at 5:00 p.m. on June 2nd of the election year or the next business day following April 20th if the office of the commission is closed on April 20th.~~

Sec. 6. 21-A MRSA §1125, sub-§3, ¶B, as enacted by IB 1995, c. 1, §17, is amended to read:

B. For a candidate for the State Senate, at least ~~150~~ 175 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate; or

Sec. 7. 21-A MRSA §1125, sub-§3, ¶C, as enacted by IB 1995, c. 1, §17, is amended to read:

C. For a candidate for the State House of Representatives, at least ~~50~~ 60 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate.

Sec. 8. 21-A MRSA §1125, sub-§8, ¶D, as amended by PL 2003, c. 453, §1, is further amended to read:

D. For uncontested legislative general elections, the amount of revenues to be distributed from the fund is ~~40%~~ 33% of the amount distributed to a participating candidate in a contested general election.

Sec. 9. 21-A MRSA §1125, sub-§12-C is enacted to read:

12-C. Payments to political committees. If a certified candidate makes a payment of fund revenues to a political action committee or party committee, the candidate shall include in reports required under this section a detailed explanation of the goods or services purchased according to forms and procedures developed by the commission that is sufficient to demonstrate that the payment was made solely to promote the candidate's election.

Sec. 10. Commission to adopt rules regarding general election contributions during primary election cycle. No later than December 1, 2009, the Commission on Governmental Ethics and Election Practices shall adopt rules that authorize candidates to accept contributions to be used for a general election campaign during the primary election period. The rules must require that contributions be segregated and declared as primary or general election contributions and that general election campaign contributions may not be borrowed to support a primary election campaign. Rules adopted in accordance with this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Effective September 12, 2009